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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,827	02/26/2002	Helene Derand	HO-P02378USO	5350
26271	7590	04/23/2007	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 1301 MCKINNEY SUITE 5100 HOUSTON, TX 77010-3095			ART UNIT	PAPER NUMBER

DATE MAILED: 04/23/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/069,827	<b>Applicant(s)</b> DERAND ET AL.	
	<b>Examiner</b> Jeffrey T. Barton	<b>Art Unit</b> 1753	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 08 January 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items): Regarding item 1 above, there is no "Evidence Appendix" or "Related Proceedings Appendix" included in the brief. Although Appellant cites no additional evidence or related proceedings, Appeal Briefs are required to include these appendices, each beginning on a new page. In this case, the word "None" placed under the appropriate Appendix headings on separate sheets is sufficient. See MPEP 1205.2(ix) and 1205.2(x). In addition, the Claims Appendix should not be included as "Appendix A", but as "Claims Appendix", also beginning on a new page, and placed before the Evidence and Related Proceedings appendices.

Regarding item 4 above, the "Summary of Claimed Subject Matter" does not adequately reference the material of independent claim 7 to the relevant portions of the specification. This section should be written so as to provide references to enable the Board to conveniently locate the portions of the specification which teach all limitations of at least the independent claims. It is recommended that this section include the text of the independent claim 7 annotated with references to the portions of the specification corresponding to the claim limitations. See MPEP 1205.02(v).

Regarding item 10 above (Other), the reference to multiple copies of the claims should be removed from the "Claims" section of the Brief:



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